

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION  
Civil Action No. 3:18-cv-00460-MHL**

**EDDIE LEGSTON,**

**Plaintiff,**

**v.**

**SOS INTERNATIONAL (VA) LTD, and  
SOS INTERNATIONAL LTD,**

**Defendants.**

**DEFENDANTS' ANSWER TO  
PLAINTIFF'S COMPLAINT  
ASSERTING RULE 12(B) DEFENSES**

Defendant SOS International LTD, improperly identified as both “SOS International (VA) LTD, and SOS International LTD,” (collectively, “Defendants”), by counsel, answer the Complaint filed against them by Plaintiff Eddie Legston (“Plaintiff” or “Legston”), as follows:

1. Defendants lack sufficient knowledge and information to respond to the allegations contained in Paragraph 1 of the Complaint. Therefore, said allegations are denied.

2. In response to the allegations contained in Paragraph 2 of the Complaint, Defendants admit SOS International LTD has its principal place of business in Reston, Virginia, and has an appointed registered agent in Richmond, Virginia. Defendants deny that they have “respective offices,” because “SOS International (VA) LTD” is a fictitious name used for SOS International LTD’s operations in Virginia, and that Defendant is properly dismissed. All further and remaining allegations contained in Paragraph 2 of the Complaint are denied.

3. The allegations contained in Paragraph 3 of the Complaint are denied.

4. Defendants lack sufficient knowledge and information to respond to the allegations contained in Paragraph 4 of the Complaint. Therefore, said allegations are denied.

5. In response to the allegations contained in Paragraph 5 of the Complaint, Defendants admit that they owe only those duties imposed by law and no others. All further and remaining allegations contained in Paragraph 5 of the Complaint are denied.

6. The allegations contained in Paragraph 6 of the Complaint are denied.

7. The allegations contained in Paragraph 7 of the Complaint are denied.

8. The allegations contained in Paragraph 8 of the Complaint are denied.

9. The allegations contained in Paragraph 9 of the Complaint are denied.

10. The allegations contained in Paragraph 10 of the Complaint are denied.

11. The allegations contained in Paragraph 11 of the Complaint are denied.

12. The allegations contained in Paragraph 12 of the Complaint are denied.

13. The allegations contained in Paragraph 13 of the Complaint are denied.

14. The allegations contained in Paragraph 14 of the Complaint are denied.

15. Paragraphs 1 through 14 of this Answer are incorporated by reference herein and made part of this response as if fully set forth herein.

16. The allegations contained in Paragraph 16 of the Complaint are denied.

17. The allegations contained in Paragraph 17 of the Complaint are denied.

18. In response to the allegations contained in Paragraph 18 of the Complaint, Defendants admit that they owe only those duties imposed by law and no others. All further and remaining allegations contained in Paragraph 18 of the Complaint are denied.

19. In response to the allegations contained in Paragraph 19 of the Complaint, Defendants admit that they owe only those duties imposed by law and no others. All further and remaining allegations contained in Paragraph 19 of the Complaint are denied.

20. The allegations contained in Paragraph 20 of the Complaint are denied.

21. The allegations contained in Paragraph 21 of the Complaint are denied.

22. In response to Plaintiff's unnumbered paragraph setting forth his prayer for relief, Defendants deny that Plaintiff is entitled to any relief whatsoever.

23. All paragraphs and allegations not specifically addressed or admitted herein are denied.

### **AFFIRMATIVE DEFENSES**

1. Plaintiff's Complaint against Defendant SOS International (VA) LTD should be dismissed pursuant to Fed. R. Civ. P. 12(b)(1) and (6) because "SOS International (VA) LTD" is merely a fictitious name for Defendant SOS International LTD. Because a "trade name" or fictitious name of a corporation does not have standing to sue or be sued, the Court should dismiss SOS International (VA) LTD as a party from this case for want of subject matter jurisdiction. Alternatively, Plaintiff's Complaint should be dismissed for failure to state a claim upon which relief can be granted.

2. Plaintiff's Complaint against Defendant SOS International LTD should be dismissed pursuant to Fed. R. Civ. P. 12(b)(6) because SOS International LTD does not provide base operations support, including facilities operations and maintenance, for the U.S. Military in Iraq. Accordingly, Plaintiff's Complaint should be dismissed for failure to state a claim upon which relief can be granted.

3. As noted more fully in their Motion to Transfer Venue, filed herewith, Venue in the Richmond Division is improper and is properly transferred to the Alexandria Division of the United States Court for the Eastern District of Virginia.

4. Defendants reserve the right to assert further affirmative defenses (including, but not limited to, a defense that the action is barred in whole or in part by statute, contract, release,

covenant, failure to mitigate damages, or the doctrine of laches) upon discovery of facts not previously known.

WHEREFORE, having fully considered Plaintiffs' Complaint, Defendants pray that:

- (A) The Court enter judgment in their favor;
- (B) Plaintiff's Complaint be dismissed against them in its entirety with prejudice; and
- (C) The Court award Defendants such other and further relief as it deems just and proper.

Dated this 10<sup>th</sup> day of July 2018.

Respectfully submitted,

**SOS INTERNATIONAL LTD. &  
SOS INTERNATIONAL (VA) LTD**  
*By counsel*

By: /s/ Travis W. Vance  
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